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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-------------------------------|------------------------|
| 09/649,975 | 08/29/2000 | Harold Blatter | RCA 88391A | 9166 |
| Joseph S Tripoli Thomson Multimedia Licensing Inc Patent Operation Two Independence Way P O Box 5312 Princeton, NJ 08543-5312 | | | | |
| 7590 03/05/2008 | | | EXAMINER NGUYEN, HUY THANH | |
| | | | ART UNIT 2621 | PAPER NUMBER |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/649,975

Applicant(s)

BLATTER ET AL.

Examiner

HUY T. NGUYEN

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-10 is/are allowed.
- 6) ☒ Claim(s) 1-5, 11-16 and 18 is/are rejected.
- 7) ☒ Claim(s) 17 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1-5, 11-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyagama et al (4,989,081) in view of Abe (5978546).

Regarding claim 1, Miyagama discloses a television receiver(Fig. 2), comprising:

a signal receiver (6) receiving a television signal and a tag signal (control code signal) indicative of an operating mode of a reproduction apparatus (Video tape recorder 10) from said a reproduction apparatus, and generating a video signal for display from said compressed digital television signal (column 6);

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a memory storing a plurality of display messages (Fig. 13); and, a controller means coupled to said signal receiver and said memory, wherein said controller interprets said tag signal to select one of said stored display messages indicating said operation mode and combines said selected one of said stored display messages with the generated video signal for display (column 9, lines 20-30, column 10, lines 23-45, column 11, lines 20-30, column 12, lines 20-40).

Miyagama does not specifically teach that the television signal is a compressed digital television signal. However, it is noted that a television receiver having receiving and decoding means for receiving a compressed digital television signal and information from a reproducing apparatus, decoding and generating the compressed digital television signal to a video signal for display is well known in the art as taught by Abe (Figs. 1, 5, column 4, lines 37-67, column 5, lines 1-15). Therefore it would have been obvious to one of ordinary skill in the art to modify Miyagama with Abe by providing the television receiver of Miyagama with a receiving and processing means as taught by Abe to enable the television receiver of Miyagama to receive the compressed digital television signal, process and generate the television signal for display thereby enhancing the capacity of the apparatus of Miyagama.

Regarding 2., Miyagama as modified with Abe further teaches the tag includes data representative of a text display message (Fig. 12).

Regarding claim 3., Miyagama teaches the tag signal further includes a command and said controller selects one of stored display messages according to the command (column 11, lines 20-30, column 12, lines 20-40).

Regarding claim 4, Miyagama teaches the plurality of the display graphic messages includes messages specific to said reproduction apparatus (Figs. 9,12).

Regarding claim 5, Miyagama further teaches the digital television receiver of claim 4, wherein, said tag signal includes data for selecting a message specific to said reproduction apparatus (column 11, lines 20-30).

Method claims 11-15 corresponds to apparatus claims 1-5. Therefore method claims 11-15 are rejected by the same reason as applied to apparatus claims 1-5.

Regarding claims 16 and 18, Miyagama further teaches the display messages for display with decoded video signals (See Miyagama column 11, 20-30, Abe decoding the compressed digital signal for display, column 5, lines 1-20).

Allowable Subject Matter

3. Claims 17 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
4. Claims 6-10 are allowed.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N

/HUY T NGUYEN/
Primary Examiner, Art Unit 2621